



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

May 14, 2018

Mr. Julian Hayward
GHD
651 Colby Drive
Waterloo, Ontario N2V 1C2

Re: South Dayton Dump and Landfill Site
Notice of Violation (NOV)
NOV
Remediation Response
Montgomery County
557000752003

**Subject: Notice of Violation of OAC 3745-9-03(B) and OAC 3745-9-03(C)
Improper Well Maintenance and Abandonment for South Dayton Dump
and Landfill Site**

Dear Mr. Hayward:

You are receiving this letter because you are the point of contact for the Respondents (Hobart Corporation, Kelsey Hayes Company, and NCR Corporation) to the ASAOC for the Remedial Investigation/ Feasibility Study (RI/FS) of the South Dayton Dump and Landfill Superfund Site. The Respondents are responsible for maintaining the monitoring wells installed as part of the RI/FS at South Dayton Dump and Landfill located in Dayton, Montgomery County, Ohio. During review of the October 2017 Ground Water Sampling Results, Ohio EPA determined that monitoring wells have been improperly maintained and abandoned. This is a violation of Ohio Administrative Code (OAC) Rules 3745-9-03(B) and 3745-9-03(C). Please see below for specific details.

In December 2017, Ohio EPA reviewed the October 2017 Ground Water Sampling Results, which indicated that three monitoring wells, MW-217, MW-223B, and MW-228 were either lost or buried under asphalt.

OAC 3745-09-03-(B) requires that a "monitoring well that is damaged or deteriorated shall be either repaired to a state consistent with construction requirements of paragraph (A) of this rule or sealed in accordance with paragraph (A) of this rule" and Ohio EPA's Technical Guidance Manual for Hydrogeologic Investigations and Ground Water Monitoring (TGM). OAC 3745-9-03(C) provides requirements for properly abandoning monitoring wells and requires monitoring wells that are no longer being used to be sealed in accordance with the requirements of the "Ohio EPA Technical Guidance Manual for Hydrogeologic Investigations and Ground Water Monitoring".

Violation

Based on the above information, Ohio EPA has determined that the Respondents are in violation of OAC 3745-09-03(B) and OAC 3745-09-03(C). OAC 3745-09-03(B) provides requirements for properly maintaining wells and states:

“A monitoring well that is damaged or deteriorated shall be either repaired to a state consistent with construction requirements of paragraph (A) of this rule or sealed in accordance with paragraph (A) of this rule.”

OAC 3745-09-03(C) provides requirements for properly abandoning wells and states:

“A monitoring well that is no longer being used shall be sealed in accordance with paragraph (A) of this rule.”

In accordance with OAC 3745-09-03(B), and OAC 3745-09-03(C), Ohio EPA requires that the following actions be taken by the Respondents:

1. Respondents must properly repair or seal any monitoring wells installed as part of the RI/FS at South Dayton Dump and Landfill that are damaged or in disrepair. For example, this may apply to MW-223B, if it is found and determined that the well could be repaired.
2. Respondents must properly abandon the destroyed monitoring wells installed as part of the RI/FS at South Dayton Dump and Landfill, as well as any monitoring wells that will no longer be used for sampling. The abandonment procedures described in Ohio EPA's TGM must be used in accordance with OAC 3745-09-03(A).
3. In order to ensure that the wells are repaired in accordance with OAC 3745-300-09(B) or abandoned in accordance with Ohio EPA's TGM, Ohio EPA requests a well location and abandonment work plan be submitted within 45 days of this letter. The work plan shall provide detailed methods and a schedule to: locate damaged or buried wells, repair wells, and abandon wells. The work plan should specify that wells to be repaired will be done so in accordance with OAC 3745-300-09-03(B) and wells to be abandoned will be done so in accordance with OAC 3745-300-09-03(C).
4. As noted in the Chapter 9 of Ohio EPA's TGM, after work is completed, the property owner must submit well logs and required well abandonment forms to Ohio Department of Natural Resources (ODNR) Division of Water Resources. The sealing of all abandoned wells and boreholes that penetrate an aquifer must be properly documented in accordance with section 1521.05 (C) of the Ohio Revised Code. In accordance with Chapter 9 of Ohio EPA's TGM, a well sealing

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report must be submitted to the ODNR, Division of Geologic Survey within 30 days of the sealing.

If you have already resolved the violation, please provide documentation supporting compliance. Documentation of steps taken to return to compliance includes written correspondence and photographs, as appropriate, and may be submitted via the postal service or electronically to tamara.mcpeek@epa.ohio.gov.

Failure to comply with Chapters 6109 of the Ohio Revised Code and rules promulgated thereunder may result in an administrative or civil penalty. If circumstances delay resolution of violations, the Respondents shall submit written correspondence describing the steps that will be taken and dates when compliance will be achieved.

Please note that the submission of any requested information to respond to this letter does not constitute waiver of Ohio EPA's authority to seek administrative or civil penalties as provided in Section 6109.23 and 6109.33 of the Ohio Revised Code.

Should you have any questions, please contact me at (937) 285-6441 or at tamara.mcpeek@epa.ohio.gov.

Sincerely,



Tammy McPeck
Site Coordinator
Division of Environmental Response and Revitalization

Attachment: Ohio Administrative Code 3745-9-03

ec: Ann Fischbein, Legal-CO
Colin Bennett, Legal-CO
Lindsay Taliaferro, Assistant Chief, DDAGW-CO
John, McGinnis, Ground Water Manager, DDAGW-SWDO
Mark Rickrich, DERR-CO
Allison Reed, Geologist, DDAGW-SWDO
Doug Switzer, Geologist, DDAGW-CO
Mike Starkey, DERR-SWDO
Brian Nickel, DERR-SWDO
Katelyn Moore, DERR, SWDO

TM/bp

Attachment

Ohio Administrative Code 3745-9-03

Ohio Administrative Code -3745-9-03 Monitoring well.

(A) If not otherwise regulated by the director, or another Ohio agency, board or commission, the "Ohio EPA Technical Guidance Manual for Hydrogeologic Investigations and Ground Water Monitoring," or other standards adopted by the director, shall be used as a guide for monitoring well construction and sealing to prevent the contamination of ground water.

(B) A monitoring well that is damaged or deteriorated shall be either repaired to a state consistent with construction requirements of paragraph (A) of this rule, or sealed in accordance with paragraph (A) of this rule.

(C) A monitoring well that is no longer being used shall be sealed in accordance with paragraph (A) of this rule.